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PTO/SB/61 (11-03)

Approved for use through 07/31/2006, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED **UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

Application Number: 10/625,473

Examiner:

Art Unit:

Filed: July 23, 2003

Title:

ATTACHMENT FOR A PLOW

First Named Inventor: Wightman, Craig L.

Attention: Office of Petitions **Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

> NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United Sates Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- Petition fee. (1)
- Reply and/or issue fee. (2)
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4)Adequate showing of the cause of unavoidable delay.

| | | fee |
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| F | Small entity - fee \$_ | 55.00 | _ (37 CFR 1.17(I)). Applicant claims small entity statu | JS. |
|----|------------------------|-------|---|-----|
| Δ. | See 37 CFR 1.27. | | | |

| | | Other than small entity – fee \$ | (37 CFR 1.17(I) |
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| ı | _ | i Onei man sinali enuly – lee s | (3/ OFK 1.1/(1) |

2. Reply and/or fee

| A. | The reply and/or fee | to the abo | ve-noted Office | action | in the form | n of \$65.00 |
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| | Surcharge | - late | filing | of | oath | (identify the type of reply) |

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[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a) | | | | |
|--|--|--|--|--|
| 3. Terminal disclaimer with disclaimer fee | | | | |
| Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. | | | | |
| A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). | | | | |
| 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed. | | | | |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | |
| 9-17-04 Craig L. Wighther Signature | | | | |
| Date / Signature | | | | |
| 315.858.9649 Craig L. Wightman Telephone Number Typed or printed name | | | | |
| Registration Number, if applicable 1234 County Highway 23 Address | | | | |
| Richfield Springs, NY 13439 Address | | | | |
| Enclosure Fee Payment | | | | |
| ☐ Reply | | | | |
| ☐ Terminal Disclaimer Form | | | | |
| Additional sheets containing statements establishing unavoidable delay | | | | |
| CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a)) | | | | |
| I hereby certify that this correspondence is being: deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306. | | | | |
| 9-17-04 Craig L. Wighthen Signature | | | | |
| Craig L. Wightman Typed or printed name of person signing certificate | | | | |

PTO/SB/61 (11-03)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED **UNAVOIDABLY UNDER 37 CFR 1.137(a)**

| NOTE: | The following party who is | g showing presentin | g of the cause of u ng statements con | inavoidable delay ceming the cause | must be signed be of delay. | y all applica | ants or b | y any other | |
|-------|----------------------------|------------------------|--|---------------------------------------|-----------------------------|----------------|-----------|-------------|-----|
| | 9-17-0 | 24 | - | Chan | L. L.J. | alle | | | |
| | Date | | | | \ Signatu | r€) | | | |
| | | | | Craig | y L. Wight | man | | | |
| Re | gistration Numb | er, if appl | icable | | Typed or print | ed name | | | |
| | (In the space | provided | below, please exp | plain <u>in detail</u> the | reasons for the de | elay in filing | a prope | r reply.) | |
| | Please | e ŝee | attached | petition | pursuant | to 37 | CFR | 1.137(| a) |
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| | | (PI | ease attach additi | ional sheets if add | litional space is n | eeded.) | | | |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Craig Wightman

Appl. Serial No.: 10/625,473

Filed: July 23, 2003

Title: ATTACHMENT FOR A PLOW

PETITION
Pursuant to 37 CFR §1.137(a)

- 1. I, Craig L. Wightman, am the applicant for patent in the above captioned matter. I respectfully petition the United States Patent and Trademark Office under 37 CFR. §1.137(a) to revive my patent application as having been *unavoidably* abandoned for the reasons set forth below.
- 2. I am a sole inventor and pro se applicant before the USPTO. My application for patent was originally filed under the sponsorship of my then business partner, JGB Enterprises (hereinafter "JGB") located in Syracuse, New York. JGB retained Mr. Donald J. Perreault, Esq. of the law firm of Grossman, Tucker, Perreault & Pfleger, PLLC of Manchester, New Hampshire to prepare and file a patent application on my invention. My agreement with JGB was that they would pay all patent expenses associated with my invention in exchange for a 50% share of any profits that resulted from sales of the same. I was not given a copy or the patent application nor was I copied on any of the correspondences between JGB, Mr. Perreault and the USPTO.
- 3. On or about the beginning of May 2004 I inquired of Mr. Perreault as to the status of my patent application. Mr. Perreault informed me that JGB had not paid him for his legal services in preparing and filing the patent application and that he ceased all work on the patent application. Most importantly, Mr. Perreault informed me that patent application was in jeopardy of abandonment and that I had little time in which to act to prevent abandonment. He would not be more specific as to what actions I needed to take and stated that JGB was his client and I was not.
- 4. On May 14, 2004, I telephoned the USPTO Office of Initial Patent Examination to learn for the first time that on December 2, 2003, a notice was issued to the attorney of record, i.e., Mr. Perreault, that my patent application was "incomplete" and would not be examined. At this point I was neither told or made

aware by the Office of Initial Patent Examination of the fact that my patent application was in jeopardy of being abandoned. I was instructed only that the filing fee had not been paid, and that my patent application could be made "complete" by sending \$450.65 to the USPTO with a letter petition requesting acceptance of the filing fee with surcharge and waiver of the \$740.00 extension of time fee. According to my credit card statement the USPTO in fact did accept my \$450.65 payment.

- 5. On May 21, 2004 I faxed a PTO-2038 Credit Card Payment Form authorizing payment of the filing fee and surcharge (see exhibit "A"), a PTO/SB/97 Certificate of Transmission under 37 CFR 1.8 (see exhibit "B"), a PTO/SB/82 Revocation of Power of Attorney and Change of Correspondence Address (see exhibit "C") to insure all USPTO correspondences would now be directed to myself, and my petition via letter (see exhibit "D") requesting acceptance of the filing fee with surcharge and waiver of the \$740.00 extension of time fee. I received an Auto-Reply Facsimile Transmission on May 21, 2004 confirming that all of the above pages had been received by the USPTO (see exhibit "E"). At this point I believed that I had satisfied all the requirements of the Office of Initial Patent Examination so as to make my application "complete" and to prevent its abandonment. I therefore took no further action, acting in reliance that my application would now be in complete form for examination.
- 6. On or about August 9, 2004 I received a correspondence from Mr. Edward J. Tannouse, Petitions Attorney, USPTO stating that my aforementioned petition has been dismissed and that my patent application 10/625,473 was now abandoned (see exhibit "F"). Mr. Tannouse also references the Notice to File Missing Parts issued to the attorney of record, Mr. Perreault on December 3, 2003. Again, I never saw or had knowledge of this notice, making it impossible for me to reply to it in a timely manner. Mr. Tannouse further states that according to the Notice to File Missing Parts, "...the statutory basic filing fee and oath or declaration were missing..."
- 7. While your Office of Initial Patent Examination mentioned on May 14, 2004 that my filing fee was missing, they did not, however, inform me that my oath or declaration was missing. To date, I have never seen this Notice to File Missing Parts. I can likely conclude that my oath or declaration is also missing from my patent application. I would have promptly corrected this at the same time I faxed my credit card filing fee payment had only your Office of Initial Patent Examination instructed me to do so.
- 8. Therefore I respectfully petition herein that in view of (a.) my business partner's neglect of this patent application without my consent or knowledge, (b.) Mr. Perreault's constraints against full candor to me due to his attorney/client relationship with JGB, (c.) the USPTO Office of Initial Patent Examination's incomplete instructions to me regarding remedying my incomplete application and (d.) my very best, good faith timely efforts to remedy my incomplete

application that you now accept my filing fee and surcharge of \$450.65 already paid to you, my declaration of inventorship provided herein on form PTO/SB/01 and grant my petition under 37 CFR §1.137(a) to revive my patent application 10/625,473 as my replies to the USPTO having been truly unavoidably delayed for all of the reasons set forth herein.

Craig L. Wightman, Applicant/Petitioner

U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent and Trademark Office; U.S. DEPART MENT OF COMMERC U.S. Patent U.S. Paten

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

Date

May 21, 2004

Date

Signature

Craig Wightman

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- 1 Facsimile Cover Sheet
- 2 Petition Letter requesting waiving of Extension fees and/or penalties
- 3 PTO/SB/82 (09-03) Revocation of Power of Attorney Form
- 4 PTO-2038 (02-2003) Credit Card Payment Form (Payment for Application Fee)
- 5 PTO/SB/97 (08-03) Certificate of Transmission under 37 CFR 1.8 Form

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXMIBIT "B"

PTO/SB/82 (09-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

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| Application Number | 10/625,473 |
| Filing Date | |
| First Named Inventor | Wightman, Craic |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | |

| I hereby revoke all previous powers of attorney given in the above-identified application. | | | | | | | |
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| A Power of Attorney i | s submitted herewith. | | | | | | |
| OR I hereby appoint the | practitioners associated with the Customer Number: | | | | | | |
| Please change the co The address ass Customer Number | | | | | | | |
| OR | | | | | | | |
| Firm or Individual Name | Craig Wightman | | | | | | |
| Address | 1234 County Highway 23 | | | | | | |
| Address | | | | | | | |
| City | Richfield Springs State NY Zip 13439 | | | | | | |
| Country | United States | | | | | | |
| Telephone | 315.858.9649 Fax 315.858.9649 | | | | | | |
| I am the: | 315.868.5996 cell | | | | | | |
| Applicant/Inventor. | | | | | | | |
| Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | | | | | | | |
| | SIGNATURE of Applicant or Assignee of Record | | | | | | |
| Name Craig Wi | ightman (Applicant) | | | | | | |
| Signature Victor Vic | inti | | | | | | |
| Date 4.16-04 | Telephone 315.858.9649 | | | | | | |
| NOTE: Signatures of all the inventors' signature is required, see below*. | or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one | | | | | | |
| 13.0 | s are submitted. | | | | | | |

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EXMISIT

OFE VOLUME SERVICE IN THE SERVICE IN

In regards to: Patent Application # 10/625,473

Mail Stop Petition Commissioner of Patents P.O. Box 1450 Alexandria VA 22313-9282 Phone: 703-305-9282

SUBJECT: PETITION TO WAIVE ADDITIONAL FEES

Dear Mail Stop Petition Officers,

When you look up the file on aforementioned patent application you will notice a fee assessed in the amount of approximately \$740.00 additional to the standard Small Entity Application Fee of \$450.65. I have been assessed this fee for circumstances completely out of my control.

I only learned of this fee and the circumstances in which it was levied on Friday, May 14, 2004. It was on this day that I learned for the first time that a notice had gone out to the attorney of record on December 2, 2003 stating that the application was receiving an incomplete status due to the fact that the application fee was not paid in full and that a deadline for payment had been issued for February 2, 2004.

Due to the fact that I was never made aware of these circumstances and that my patent application was in danger of being deemed abandoned, the attorney of record has been dismissed. You will find accompanying this petition a copy of the REVOCATION OF POWER OF ATTORNEY form that was faxed to USPTO Applications Office on Monday, May 17, 2004 also in which the original was mailed via USPS to the very address listed at the top of this page on the same day.

Please find it in your hearts to waive the extra \$740.00 in additional fees and/or penalties. I feel strongly that I am not deserving of this penalty. Had I been aware of the status of this patent application I would have made timely payment and there would never have been a reason to assess these additional fees.

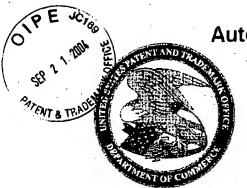
Thank you kindly for your consideration.

Sincerely,

Craig Wightman

1234 CO. HWY. 23
RICHFLELD SPRINGS

EXMISIT "D"



Auto-Reply Facsimile Transmission

TO:

Fax Sender at 3158589649

Fax Information

Date Received:

5/21/2004 12:15:59 PM [Eastern Daylight Time]

Total Pages: 5 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above randoliss what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this infacsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received Cover Page

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EXMIBIT "F"



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450



CRAIG WIGHTMAN 1234 COUNTY HIGHWAY 23 RICHFIELD SPRINGS, NY 13439

COPY MAILED

AUG 0 3 2004

OFFICE OF PETITIONS

In re Application of Craig Wightman Application No. 10/625,473

Filed: July 23, 2003

Title: ATTACHMENT FOR A PLOW

ON PETITION

This is in response to the papers styled. "Petition To Waive Additional Fees," filed May 21, 2004. The papers were recently forwarded to this office for review.

The petition is dismissed.

The above-identified application was filed on July 23, 2003. However, on December 2, 2003, the Office of Initial Patent Examination mailed a "Notice To File Missing Parts," (Notice) that stated a filing date was granted, but the statutory basic filing fee and oath or declaration were missing. The Notice also required the submission of a \$65.00 surcharge for the late submission of the filing fee and oath or declaration.

Petitioner requests the waiver of "the extra \$740.00 in additional fees and/or penalties." It appears that Petitioner requests waiver of the fees associated with a request for an extension of time under 37 CFR 1.136(a), as \$740.00 is the fee required to file a request for an extension of time within the fourth month (when then instant petition was filed). However, it is noted that the maximum extendable period of time under 37 CFR 1.136(a) ended at midnight on July 2, 2004. The filing of a request for an extension of time is no longer possible and this application is considered abandoned. As such, this petition must be dismissed as moot.

Please note, information for filing a petition under 37 CFR 1.137(a) or (b) to revive the abandoned application, and information for filing a petition under 37 CFR 1.181 to withdraw the holding of abandonment, shall be sent to petitioner under separate cover.

EXMISIT "F"

PAGE 1 OF 2

Application No. 10/625,473

Page 2.

Telephone inquiries should be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse

Petitions Attorney

Office of Petitions

United States Patent and Trademark Office

ExMISIT "F"

PAGE 20-2

PTO/SB/01 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

the Paperwork Reduction Act of 1995, no persons are required to resp

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

| cond to a collection of information | unless it contains a valid OMB control number. |
|-------------------------------------|--|
| Attorney Docket Number | |
| First Named Inventor | Wightman, Craig L. |
| COMP | PLETE IF KNOWN |
| Application Number | 10/625,473 |
| Filing Date | July 23, 2003 |
| Art Unit | |
| Examiner Name | |

| I hereby declare that: | | | | | | | | |
|---|---|-----------------|-------------|--------|-------|-------------|------------------|--|
| Each inventor's residence, mailing address, and citizenship are as stated below next to their name. | | | | | | | | |
| I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: | | | | | | | | |
| ATTACHMENT FOR A PLOW | | | | | | | | |
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| | | | | | | - | | |
| | | (Title of the I | Invention) | | | | | |
| the specification of which | | | | , | | | | |
| is attached hereto | | | | / | | | | |
| OR | | | _ | | | | | |
| was filed on (MM/DD/Y | as United States Application Number or PCT In: | | | | | | CT International | |
| Application Number 10 | and was amended on (MM/DD/YYYY) (if applicable) | | | | | | (if applicable). | |
| I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above. | | | | | | | | |
| I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. | | | | | | | | |
| I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, | | | | | | | | |
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| Prior Foreign Application | | Foreign Filing | | Prio | | Certified C | opy Attached? | |
| Number(s) | Country | (MM/DD/YY) | (Y) | Not CI | aimed | Yes | No | |
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| Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. | | | | | | | | |

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|---|---------------------------|--------------|--------|----------|-----------|------------------------|---------------------------|-----------|------------------|
| Name | | | | | | | | | |
| CRAIG L. WIGHTMAN | | | | | | | | | |
| Address 1234 COUNTY HIGHWAY 23 | | | , | | *** | | | · | |
| City | | | | State | | | | | ZIP |
| | | | | | NEW YORK | | | | 13439 |
| Country | | Telephor | ne | Fax | | | | | |
| UNITED STATES OF AMERICA | | 315.858.9 | 9649 | | | 315. | 858.964 | 9 | |
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| Given Name (first and middle [| if any]) | | | | | | | or Surna | |
| CRAIG | ۸ | | | WIGHTMAN | | | | | |
| Inventor's Signature Chara L. | Watt | ~~~ | | • | | | | | Date 9-16-04 |
| Residence: City | State Country Citizenship | | | | | nship | | | |
| RICHFIELD SPRINGS | NEW YORK | | | USA | | | | | |
| Mailing Address | | | | · | | | | • | |
| 1234 COUNTY HIGHWAY 23 | | | | | | | | | |
| City | State | | | ZIP | | | | Country | |
| RICHFIELD SPRINGS | NEW YORK | | | | 13439 | | | | USA |
| NAME OF SECOND INVENTOR: A petition has been filed for this unsigned inventor | | | | | | | or this unsigned inventor | | |
| Given Name (first and middle [if any]) | | | | • | Fa | Family Name or Surname | | | |
| Inventor's Signature | | | | | | | | | Date |
| Residence: City | State | | | Coun | try | | | Citizer | nship |
| Mailing Address | | - | | | | | | L | |
| | | | | | | | | | |
| City | State | | | | ZIP | | | Countr | гу |
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